

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

VALVETECH, INC.,

Plaintiff,

v.

OHB SYSTEM AG,

Defendant.

Case No. 6:19-cv-06829-CJS-MJP

**DECLARATION OF
STEVEN L. PENARO**

Steven L. Penaro hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am an attorney admitted to practice before the United States District Court for the Western District of New York and a Partner of the law firm of Alston & Bird LLP, attorneys for the Defendant OHB System AG (“OHB”) in this matter. As such, I am fully familiar with the facts and circumstances herein.

2. This declaration is submitted in support of Defendant’s Motion for Summary Judgment or, in the alternative, Motion to Dismiss for Failure to Prosecute.

3. On July 15, 2021, I received a phone call from counsel for Plaintiff ValveTech, Inc. (“ValveTech”), Jared Cook from the Vahey law firm.

4. This was the first and only time that I, or any attorney for Defendants, had been contacted by counsel for Plaintiffs since the parties filed a joint discovery protocol on March 12, 2021.

5. During the July 15 phone call, counsel for Plaintiffs, being new to the Vahey law firm, introduced himself and indicated that he intended to discuss the status of the case and discovery process further with me during a subsequent call.

6. Counsel for Plaintiffs did not subsequently communicate with me or with any other attorneys for Defendants for a period of over seven months, until, on February 23, 2022, counsel for Plaintiffs emailed to request an extension of all deadlines in this action. *See* Ex. 1.

7. Counsel for Plaintiffs have not made any filing in this case since July 19, 2021.

I declare under penalty of perjury that the foregoing is true and correct

Dated: New York, New York
February 24, 2022

/s/ Steven L. Penaro
Steven L. Penaro